

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KIMBERLEE WILLIAMS, *et al.*

Plaintiffs,

vs.

BASF CATALYSTS LLC, *et al.*

Defendants.

No. 11-cv-01754-BRM-AME

ORDER

**Special Master's Claim Distributions
Report and Recommendation**

WHEREAS, this matter having come before the Special Master in the above-captioned matter upon **Class Counsel's** motion requesting entry of a Distribution Recommendation pursuant to § 9.5.1 of the Plan of Distribution (the "**Plan**")¹ on the basis that the Claims processes and notices under the Plan have been completed; and

WHEREAS, the appointed Settlement Administrator, Verus LLC ("Verus"), having completed the Plan's claim administration processes, procedures, adjudications and notifications, and having submitted to the Special Master schedules and statistical summaries of approved and disapproved claims regarding each compensation Part of the Plan as required under § 9.4.2.1 of the Plan,² along

¹ Additional capitalized terms have the same meaning as in the Parties' Class Action Settlement Agreement and Plan of Distribution.

² Sections §§ 9.4.2.1 and 9.5.1.1 of the Plan require, respectively, the Claims Administrator to prepare and submit to the Settlement Trustee, and the Settlement Trustee, in turn, review and publish upon her acceptance, three statistical summaries regarding the Settlement Fund's claims administration results as follow:

with a Declaration of Mark Eveland, Verus' Chief Executive Officer, in support of this Report and Recommendation attesting to: (1) the Settlement Fund's fulfilment and completion of the Plan's claims intake, review, adjudication, audit and notice processes and procedures; and (2) the content and accuracy of the claims administration statistical summaries' and schedules of allowed and disallowed claims for each of the Plan's three compensation Parts; and

WHEREAS, the Special Master having independently reviewed the statistical summaries, and having further received Class Counsel's advice that after their review of the statistical summaries they have no issue concerning either their accuracy or conformity to the Plan's requirements, the undersigned accepts, approves and adopts the Settlement Fund Claim summaries as the Settlement Trustee's report on the results of the Plan's Claim Administration; and

WHEREAS, in fulfillment of the Plan's requirement that the summaries be made available to the public by the Settlement Trustee (See Plan § 9.5.1.1.), a copy of the statistical summaries has been posted on the Settlement Website (See Eveland

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- 1) A statistical summary of the number of Part A (Base Compensation) claims approved and disallowed and the amount of a Part A share;
 - 2) A statistical summary of the number of Part B (Supplemental Injury Level Based Compensation) claims approved and disallowed and the dollar amount applicable to each of the four Part B Injury Levels; and
 - 3) A statistical summary of the number of Part C (Extraordinary Injury Fund (EIF)) claims approved and disallowed and the range and average of the EIF payments.

Declaration) and is included as part of the Distribution Recommendation Appendix (“**DRA**”) accompanying this Report and Recommendation. (*See* DRA at 1); and

WHEREAS, having also independently reviewed the schedules of allowed claim distribution awards and of disallowed claims prepared by Verus relating to the Plan’s three compensation Parts (“**Distribution Recommendation Schedules**”),³ true and correct copies of which are included in the accompanying DRA, and having additionally received Class Counsel’s advice that after their reviewing the Distribution Recommendation Schedules they have no issue concerning their accuracy or conformity to the Plan’s requirements, the undersigned has approved and adopted the Distribution Recommendation Schedules as: (1) the formal adjudications and claim awards of all Claims received by the Settlement Fund; and (2) as the Settlement Trustee’s and Special Master’s Distribution Recommendations; and

WHEREAS, there is good cause shown to submit the Distribution Recommendation Schedules to the District Court for approval and conclusion of the Plan’s Claims Adjudication activities and bring this process to a close as provided in the Plan,

³ Section §9.5.1.1. of the Plan requires the Claims Administrator to prepare and submit to the Settlement Trustee separate schedules of approved and disallowed claims for each of the three compensation “Parts” of the Plan and the amount of compensation to be paid for each type or level of claim award. The awards amounts stated in the schedules of approved claim distributions and in statistical summaries are the gross award amounts. They reflect, however, reserves that the Claims Administrator and Settlement Trustee established to cover certain fees and expenses to be paid from the Fund under §9.2 of the Plan. In addition, the amounts of claim awards listed in the schedules or referred to in the summaries are subject to potential further reduction for payments necessary to clear medical or other liens which apply to particular awards as is required under both the Settlement Agreement and Plan.

IT IS THEREFORE HEREBY RECOMMENDED to the District Court on this 11th day of May 2022, that:

1. The District Court accept and approve the Distribution Recommendations in the annexed DRA as the determinations and adjudications of the Settlement Class Members' Claims to the Settlement Fund under the Plan; and

2. That the District Court authorize the Settlement Trustee and Claims Administrator to forthwith begin making payments and distributions from the Settlement Fund under the Plan to the Settlement Class Member Claimants listed in the Distribution Recommendations as being awarded compensation under one or more of the Plan's Parts, subject to the Lien Clearance requirements of the Plan and Settlement Agreement; and

3. That the District Court authorize the Settlement Trustee and Claims Administrator to forthwith pay the Class Representatives the Class Representative Service awards which the Court has previously approved and make payment of remaining costs and expenses of the claims administration; and

4. That the District Court authorize the Settlement Trustee and Claims Administrator to take any and all further steps necessary to effectuate the orderly distribution of the Settlement Fund in accordance with the Plan.

BY THE COURT:

A handwritten signature in black ink, reading "Marina Corodemus". The signature is fluid and cursive, with the first name "Marina" and last name "Corodemus" clearly distinguishable.

Marina Corodemus, Special Master

ORDER

THIS MATTER having been opened to the Court upon the Claim Distributions Report and Recommendation [D.E. 649] of the Honorable Marina Corodemus, J.S.C. (Retired), whom the Court appointed as Special Master and Settlement Trustee in this matter; D.E. 649 having been issued pursuant to Fed. R. Civ. P. 53; no opposition having been filed; the Court having reviewed and considered the Claim Distributions Report and Recommendation; and for good cause shown,

IT IS on this 2nd day of June 2022,

ORDERED that the foregoing Claim Distributions Report and Recommendation of the Special Master is hereby accepted, approved and entered as the order of this Court, with further direction to the Settlement Trustee and Settlement Administrator to forthwith carry out the provisions of this Order and the Plan.

/s/ André M. Espinosa
ANDRÉ M. ESPINOSA
United States Magistrate Judge